

§ 3833.2-5

will be filed for record pursuant to section 314(a)(1) of the Act in the local jurisdiction of the State where the claim or group of claims is located and recorded setting forth the following additional information:

(1) The Bureau of Land Management serial number assigned to each claim upon filing in the proper BLM office of a copy of the official record of the notice or certificate of location or patent application; and

(2) Any change in the mailing address, if known, of the owner or owners of the claim.

[42 FR 5300, Jan. 27, 1977, as amended at 44 FR 9723, Feb. 14, 1979; 47 FR 56306, Dec. 15, 1982. Redesignated at 53 FR 48881, Dec. 2, 1988]

§ 3833.2-5 Contents for a notice of intention to hold claim or site.

(a) A notice of intention to hold a mining claim or group of mining claims may be filed at the election of the owner, regardless of whether the assessment has been suspended, deferred or not yet accrued. However, the claimant shall file with the Bureau of Land Management the same documents which have been or will be recorded with the county or local office of recordation. A notice of intention to hold a mining claim shall be effective only to satisfy the filing requirement for the year (as specified in § 3833.0-5 of this title), in which the notice is filed. The filing of a notice with the Bureau of Land Management shall not relieve the owner of complying with Federal and state laws pertaining to the performance of annual assessment work.

(b) A notice of intention to hold a mining claim or group of mining claims shall be in the form of either:

(1) An exact legible reproduction or duplicate, except microfilm, of an instrument, signed by the owner of the claim or his/her agent, which was or will be filed for record pursuant to section 314(a)(1) of the Act in the local jurisdiction of the State where the claim is located and recorded setting forth the following information:

(i) The Bureau of Land Management serial number assigned to each claim upon filing in the proper BLM office of a copy of the notice or certificate of location. Citing the serial number shall

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comply with the requirement in the Act to file an additional description of the claim;

(ii) Any change in the mailing address, if known, of the owner or owners of the claim;

(2) A reference to the decision on file in the proper BLM office by date and serial number which granted a deferment of the annual assessment work.

(3) A reference to a pending petition for deferment of the annual assessment work required by 30 U.S.C. 28 by date of filing and serial number and with the proper BLM office.

(c) A notice of intention to hold a mill or tunnel site or group of mill or tunnel sites shall be in the form of a letter or other notice signed by the owner(s) of such sites or their agent(s) setting forth the following information:

(1) The Bureau of Land Management serial number assigned to each site upon filing in the proper BLM office of a copy of the official record of the notice or certification of location;

(2) Any change in the mailing address, if known, of the owner(s) of the site(s).

[47 FR 56306, Dec. 15, 1982; 48 FR 7179, Feb. 18, 1983. Redesignated at 53 FR 48881, Dec. 2, 1988]

§ 3833.2-6 When evidence or notice is not required.

Evidence of annual assessment work performed to hold a mining claim or a notice of intention to hold a mill site need not be filed on unpatented mining claims or mill sites if mineral entry under a mineral patent application has been allowed. The owner of that mining claim or mill site is exempt from the filing requirements of § 3833.2 and the payment of maintenance fees under § 3833.1-5 as of the date mineral entry is allowed.

[59 FR 44862, Aug. 30, 1994]

§ 3833.3 Notice of transfer of interest.

(a) Whenever the owner of an unpatented mining claim, mill site or tunnel site, which has been recorded in accordance with § 3833.1, sells, assigns, or otherwise conveys all or any part of his interest in the claim, his transferee

shall file in the proper BLM office within 60 days after the completion of the transfer the following information:

(1) The serial number assigned to the claim by the authorized officer upon filing of a copy of the official record of the notice or certificate of location in the proper BLM office; and

(2) The name and mailing address of the person(s) to whom an interest in the claim has been sold, assigned, or otherwise transferred.

(3) A copy of the legal instrument or document that operates under State law to transfer the interest in the claim being sold, assigned, or otherwise transferred.

(b) Whenever any person acquires an interest through inheritance in an unpatented mining claim, mill site, or tunnel site recorded in accordance with §3833.1, he shall file in the proper BLM office within 60 days after completion of the transfer the information required by paragraph (a) of this section.

(c) The filing of a transfer of interest, when properly executed and recorded under State law, is placed on the BLM record when it is filed with the proper BLM office. The transfer will be deemed to have taken place on its effective date under State law.

[42 FR 5300, Jan. 27, 1977, as amended at 55 FR 17754, Apr. 27, 1990; 58 FR 38201, July 15, 1993; 59 FR 44862, Aug. 30, 1994]

§3833.4 Failure to file, or to pay maintenance or location fees.

(a)(1) The failure to make annual filings required by §§3833.2-1 and 3833.2-2 on or before the December 30 immediately following the September 1 by which the small miner filed for a waiver of payment of the maintenance fee, shall conclusively constitute a forfeiture of the mining claim or site.

(2) Failure to record the notice or certificate of location required by §3833.1-2(a), §3734.1(a), or §3821.2 of this title, or failure to pay the maintenance or location fees required by §§3833.1-4, 3833.1-5, and 3833.1-7, or failure to file the documents required by §3833.1-7 (b) through (d) within the time periods prescribed therein for claimants who also fail to pay the maintenance fee, shall be deemed conclusively to constitute a forfeiture of the mining claim, mill site, or tunnel site.

(3) Claimants who fail to pay the maintenance fee, but file a waiver certification under §3833.1-7, shall perform the assessment work required by subpart 3851 of this title by the waiver statement filing deadline, or the mining claims under the invalid waiver certification will be conclusively deemed forfeited for failure to pay the maintenance fee on time.

(4) Failure to list the 10 or fewer mining claims and/or sites for which the fee is requested to be waived on the applicable certification document filed pursuant to 3833.1-6 or 3833.1-7 will result in the affected mining claims and/or sites being deemed abandoned by the owner or owners thereof.

(b) Failure to file the complete information required in §§3833.1-2(b), 3833.1-7(d)-(f), 3833.2-4(a), 3833.2-4(b), 3833.2-5(b) and 3833.2-5(c), when the document is otherwise filed on time, shall not be conclusively deemed to constitute an abandonment or forfeiture of the claim or site, but such information shall be submitted within 30 days of receipt of a notice from the authorized officer calling for such information. Failure to submit the information requested by the decision of the authorized officer shall result in the mining claim, mill site, or tunnel site being deemed abandoned by the owner.

(c) Failure to record a transfer of interest under §3833.3 will result in the Bureau of Land Management refusing to recognize the interest acquired by the transferee or to serve notice of any action, decision, or contest on the unrecorded owner.

(d) The fact that an instrument is filed in accordance with other laws permitting filing for record thereof and is defective or not timely filed for record under those laws shall not be considered failure to file under this subpart. The fact that an instrument is filed for record under this subpart by or on behalf of some, but not all of the owners of the mining claim, mill or tunnel site shall not affect the validity of this filing.

(e) Any mining claim deemed abandoned under section 314(c) of the Act for failure to file an instrument in the local jurisdiction of the State where the claim is located pursuant to section 314 (a)(1) and (b) of the Act, shall